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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,325

11/14/2003

Ming Te Wei

4147DL

4646

7590

03/14/2006

CHARLES E. BAXLEY  
90 JOHN STREET  
3RD FLOOR  
NEW YORK, NY 10038

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,325	<b>Applicant(s)</b> WEI, MING TE	
	<b>Examiner</b> Craig M. Schneider	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4 and 5 are objected to because of the following informalities: The wording in each of the claims is not definitive. The list of potential materials in claims 4 and 5 does not list whether these materials are meant to be recited in the alternative or not (i.e. "or" or "and" has been omitted from the claims). It appears that applicant may have intended to use a Markush construction for these claims. If so, the claims should be in proper Markush format (i.e. "a material selected from the group consisting of A, B, C, and D"). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Byers et al. (4,884,596).

Byers et al. disclose a method for manufacturing faucet (10) spouts comprising forming a tubular member (12) to have a smooth inner peripheral surface formed therein, and forming an outer covering member (22 and 24) onto an outer peripheral

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portion of the tubular member, to have a smooth outer peripheral surface formed on the outer covering member (col. 1, line 45 onto col. 2, line 6).

Regarding claim 2, Byers et al. disclose applying an insert (28) onto the tubular member and arranged between the tubular member and the outer covering member.

Regarding claim 4, Byers et al. disclose that the tubular member is made of materials selected from plastic materials, copper materials, stainless materials.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Perla (6,817,379).

Perla discloses a method for manufacturing faucet (10) spouts comprising forming a tubular member (24) to have a smooth inner peripheral surface formed therein, and forming an outer covering member (12) onto an outer peripheral portion of the tubular member, to have a smooth outer peripheral surface formed on the outer covering member (col. 6, lines 1-14).

Regarding claim 2, Perla discloses applying an insert (26) onto the tubular member and arranged between the tubular member and the outer covering member (col. 7, lines 28-40).

Regarding claim 3, Perla discloses that the insert is made of recycled material (col. 7, lines 60-67).

Regarding claim 4, Perla discloses that the tubular member is made of materials selected from plastic materials, copper materials, stainless materials (col. 6, lines 15-25).

Regarding claim 5, Perla discloses that the outer covering member is made of materials selected from synthetic materials, copper materials, tin materials, stainless materials, titanic materials (col. 7, lines 12-27).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byers et al.

Byers et al. discloses all the features of the claimed invention as stated in claim 1 but does not disclose that the insert is made of recycled material and that the outer covering member is made of materials selected from synthetic materials, copper materials, tin materials, stainless materials, titanic materials. The examiner is taking official notice in regards to the fact that it is common practice in industry to utilize recycled materials wherever possible in order to reduce cost and also that the outer layer of a faucet is made up of copper materials, tin materials, or stainless steel materials because it is common practice to utilize these materials for the outer surface of a faucet.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mikol et al. (5,579,808) discloses using an inner tubular member

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with a outer covering member formed over it. Perla (2003/0062088) is the publication of the application that led to the above mentioned patent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS *CMS*  
March 9, 2006

*Eric Keasel*  
Eric Keasel  
Primary Examiner  
Art Unit 3754